

Remarks/Arguments

Reconsideration of this application is requested.

Extension of Time

A request for a one month extension of the period for response to the office action mailed on October 17, 2005 is enclosed with this amendment. The extended period for response expires on February 17, 2006.

Claim Status

Claims 1-23 and 25-28 are pending. Since no claims are amended, added or canceled, no listing of claims is required under 37 CFR 1.121.

Allowable Subject Matter

The indication of allowable subject matter in claims 7, 8, 16, 20 and 21 is noted and appreciated.

Claim Rejections – Double Patenting

Claims 1, 10-14 and 17-19 are subject to a provisional double patenting rejection over claims 1, 7-11 and 18-20 of copending application no. 10/749,570 to Waltari. A terminal disclaimer is enclosed to overcome these grounds for rejection.

Claim Rejections – 35 USC 103(a)

Claims 1-6, 9-15, 17-19, 22, 23 and 25-28 are rejected under 35 USC 103(a) as obvious over the Admitted Prior Art (APA) in view of Atriss (US 6,909,393).

Atriss has a U.S. filing date of July 30, 2003. A Declaration of the inventor Mikko Waltari under 37 CFR 1.131 is enclosed stating that the invention claimed in this application was described in his Innovation Disclosure Document dated April 4, 2003, which is a date earlier than the filing date of Atriss. A copy of the Innovation Disclosure Document accompanies the Declaration.

Since applicant has established an invention date that is earlier than the effective date of Atriss, Atriss is not available as a reference against the claims of this application. Accordingly, the rejections of claims 1-6, 9-15, 17-19, 22, 23 and 25-28, which all rely on Atriss, should be withdrawn.

Appl. No. 10/749,571
Reply dated January 20, 2006
Reply to Office Action of October 17, 2005

Atty. Ref. 88537.0067
Customer No. 26021

Conclusion

There being no further grounds for rejection, this application is now in condition for allowance. The Examiner is invited to telephone the undersigned to resolve any issues that remain after entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: January 20, 2006

By: 

Troy M. Schmelzer
Registration No. 36,667
Attorney for Applicant(s)

500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Phone: 213-337-6700
Fax: 213-337-6701